

ADMINISTRATIVE PANEL DECISION

SUMOL+COMPAL MARCAS, S.A. v. Sumit Bisht

Case No. D2026-3542

1. The Parties

The Complainant is SUMOL+COMPAL MARCAS, S.A., Portugal, represented by J.E. Dias Costa, Lda., Portugal.

The Respondent is Sumit Bisht, India.

2. The Domain Name and Registrar

The disputed domain name <sumolcompalsadistribution.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 10, 2026. On August 11, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 12, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is the registrant and providing the contact details. The Center sent an email communication to the Complainant on August 13, 2026, providing the registrant and contact information disclosed by the Registrar and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on August 17, 2026.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 28, 2026.

The Center appointed Olga Zalomiy as the sole panelist in this matter on September 30, 2026. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

The disputed domain name was due to expire on October 8, 2026. After the Center brought the impending expiry to the Parties' attention, the Complainant arranged for its renewal. On September 7, 2026, the Registrar confirmed that the disputed domain name had been renewed until October 8, 2027, and would remain under Registrar lock pending the outcome of this proceeding.

4. Factual Background

The Complainant is a Portuguese food and beverages company. The Complainant owns numerous trademark registrations for the SUMOL+COMPAL, SUMOL and COMPAL trademarks, such as:

- Portuguese trademark registration No. 438621 for the SUMOL+COMPAL mark (word), registered on December 30, 2008.
- Portuguese trademark registration No. 445643 for the SUMOL+COMPAL mark (word and design), registered on May 28, 2009, and
- Portuguese trademark registration No. 142201 for the SUMOL mark, registered on August 31, 1957.

The Complainant also owns several domain name registrations incorporating its trademark, such as <sumolcompal.pt> and <sumol.com>.

The disputed domain name was registered on October 8, 2025. The disputed domain name resolves to a website in the English language that purports to be associated with the Complainant. The website prominently features a modified version of the Complainant's trademark together with the figurative element of the Complainant's SUMOL+COMPAL mark. The webpage titled "About us" features facts from the Complainant's history about the Complainant along with its address and phone number.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the Complainant and its parent company own the SUMOL+COMPAL, SUMOL and COMPAL trademarks in many countries. The Complainant asserts that the disputed domain name is confusingly similar to the Complainant's trademark because it incorporates the Complainant's trademark SUMOL+COMPAL in its entirety. The Complainant claims that the disputed domain name also imitates the name of one of the companies in the Complainant's group SUMOL+COMPAL DISTRIBUICAO, S.A.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent does not have any trademark or trade name rights in the disputed domain name. The Complainant alleges that the Respondent is not affiliated or related to the Complainant, nor has it been licensed or authorized to use the Complainant's SUMOL or COMPAL marks or a part of its trade name. The Complainant argues that the Respondent is not

using the disputed domain name in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair use because the website associated with the disputed domain name contains the physical address of the Complainant in Portugal along with the Complainant's official phone number.

The Complainant contends that the Respondent registered the disputed domain name in bad faith for several reasons. First, it is likely that the Respondent knew about the Complainant's trademark at the time of the disputed domain name registration because the Complainant's trademark registration predates the registration of the disputed domain name by over 80 years of the Complainant's business operations. In the Complainant's view, the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website, which amounts to bad faith registration and use. The Complainant asserts that the Respondent's website offers for sale various goods of third parties while simultaneously using the Complainant's trademarks such as SERRA DE ESTRELLA and COMPAL on the website banner without offering any of the Complainant's products. The Complainant contends that the Respondent is using the disputed domain name to disrupt the business of a competitor because it attempts to impersonate the Complainant by using facts related to the Complainant's history, the Complainant's physical address, VAT number and phone number on the website associated with the disputed domain name. In the Complainant's view, the Respondent registered the disputed domain name with the Complainant's well-known Portuguese trademarks, which also supports a finding of bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, to succeed in these proceedings, the Complainant must prove each of the following elements with respect to the disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. The inclusion of the gTLD “.com” is typically disregarded in the context of the confusing similarity assessment, being a technical requirement of registration. [WIPO Overview 3.1](#), section 1.11.1. Therefore, the disputed domain name is confusingly similar to the Complainant’s trademark.

Although the addition of other terms here, the term “distribution” and the letters “sa”, or the omission of the “+” symbol, may bear on assessment of the second and third elements, the Panel finds such modifications do not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

The evidence on record shows that the Respondent is not commonly known by the disputed domain name. The Respondent has not been authorized by the Complainant to use the Complainant’s trademark in a domain name. The Respondent is not making noncommercial or fair use of the disputed domain name.

The disputed domain name resolves to a website offering third-party products for sale while displaying the Complainant’s word and design mark, with the design element intact and the word element modified by omitting the “+” symbol and adding the letters “SA”. The website also features information about the Complainant’s history, its physical address, and telephone number in Portugal. The letters “SA” correspond to the Complainant’s corporate form. These circumstances create a misleading impression that the website is operated by or affiliated with the Complainant. Accordingly, the Panel finds that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services or making a legitimate noncommercial or fair use of the disputed domain name.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent registered the disputed domain name more than 69 years after the Complainant's first trademark registration. The disputed domain name reproduces the Complainant's trademark, omitting the "+" symbol between the words comprising the mark and adding the letters "sa", which correspond to the Complainant's corporate form, and the word "distribution". Furthermore, the Respondent uses the disputed domain name to direct Internet users to a website displaying the Complainant's word and design mark, with the design element intact and the word element modified by omitting the "+" symbol and adding the letters "SA". The website also displays the Complainant's physical address and telephone number in Portugal, as well as information about its history. Taken together, these circumstances demonstrate that the Respondent was aware of the Complainant and its trademark when registering the disputed domain name and intended to capitalize on the goodwill associated with the mark. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

Under paragraph 4(b)(iv) of the Policy, bad faith may be established where a respondent intentionally attempts to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website or the products or services offered there.

Previous UDRP panels have recognized that evidence of such conduct may include attempts to create confusion for commercial benefit and the absence of rights or legitimate interests in the disputed domain name. [WIPO Overview 3.1](#), section 3.1.4.

Here, the Respondent uses the disputed domain name to direct Internet users to a website offering a variety of third-party products for sale. By displaying the modified version of the Complainant's word and design mark, its other trademarks together with the Complainant's identifying information, the Respondent creates a misleading impression that the website is operated by or affiliated with the Complainant. The Panel finds that the Respondent intentionally attempts to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark. Such conduct constitutes bad faith use under paragraph 4(b)(iv) of the Policy.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <sumolcompalsadistribution.com> be transferred to the Complainant.

/Olga Zalomiy/

Olga Zalomiy

Sole Panelist

Date: October 12, 2026